

**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed February 26, 2007. Through this response, claim 47 has been added, claim 4 has been canceled, and claims 1, 12, 23, 24, and 46 have been amended. Reconsideration and allowance of the application and pending claims 1-3 and 5-47 are respectfully requested.

**I. Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

**A. Statement of the Rejection**

Claim 12 has been rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action alleges (page 2):

Claim 12 recites the limitation "to buffer analog broadcast media content instances, received at a communications interface, as digitally compressed media content instances" (emphasis added). The claim language appears to be confusing because it is unclear as to how an analog signal can also be digital. An intermediate step (digital-to-analog conversion step) appears to be missing if the broadcast signal is broadcast as digitally compressed signal. [sic]

**B. Discussion of the Rejection**

In response to the rejection, Applicants have amended claim 12. In view of the amendments, it is respectfully asserted that claim 12 defines the claimed invention of claim 12 in the manner required by 35 U.S.C. § 112. Accordingly, Applicants respectfully request that the rejection to this claim be withdrawn.

## II. Claim Rejections - 35 U.S.C. § 102(e)

### A. Statement of the Rejection

Claims 1 - 46 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *Pierre, et al.* ("*Pierre*," U.S. Pat. No. 6,678,463). Applicants have canceled claim 4, and amended claims 1, 12, 23, 24, and 46 thus, rendering the rejection to these claims moot. Applicants respectfully traverse this rejection.

### B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

#### Independent Claim 1

Claim 1 recites (emphasis added):

1. A system for managing the allocation and storage of media content instance files in a hard disk of a storage device coupled to a media client device in a subscriber television system, comprising:

a memory for storing logic;

a buffer space in the hard disk for buffering media content instances as buffered media content instance files; and

***a processor configured with the logic to track the size of permanent media content instance files and the buffered media content instance files to provide a numerical indication of an amount of available free space, such that the indication is independent of the buffer space.***

Applicants respectfully submit that the rejection of claim 1 has been rendered moot. Additionally, Applicants respectfully submit that *Pierre* fails to disclose, teach, or suggest at least the above emphasized claim features. Even if, *arguendo*, *Pierre* (Fig. 6, 140)

discloses a processor that may "Notify viewer that there is insufficient space to record program," this feature is not the same as the claimed feature of "a processor configured with the logic to track the size of permanent media content instant files and the buffered media content instant files to provide a **numerical indication of an amount of available free space**". Thus, for at least this reason, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Because independent claim 1 is allowable over *Pierre*, dependent claims 2 - 22 are allowable as a matter of law for at least the reason that the dependent claims 2 - 22 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

### **Independent Claim 23**

Claim 23 recites (emphasis added):

23. A system for managing the allocation and storage of media content instance files in a hard disk of a storage device coupled to a media client device in a subscriber television system, comprising:

a memory for storing logic;

a buffer space in the hard disk for continuously buffering media content instances as buffered media content instance files; and

a processor configured with the logic to track the size of permanent media content instance files and the buffered media content instance files, wherein the processor is further configured with the logic to provide a user interface, responsive to a user input, wherein the user interface provides the indication of available free space for permanently recording media content instances, wherein the permanently recorded media content instances are configured as the permanently recorded media content instance files, wherein the permanently recorded media content instance files can be deleted from the storage device, wherein the user input is implemented with a remote control device, wherein the permanently recorded media content is from the buffer space, wherein the permanently recorded media content is a scheduled recording initially written to non-buffer space, wherein the permanently recorded media content is a scheduled recording initially written to non-buffer space, wherein the buffer space, the available free space, and permanently recorded space are located on the hard disk, wherein the buffer space and permanently recorded space are allocated from the free space on the

hard disk, wherein the buffer space and permanently recorded space have physical locations on the hard disk, wherein the buffer space and the available free space is measured in units of hard disk space, wherein the processor is further configured with the logic to buffer analog broadcast media content instances, received at a communications interface, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance, wherein the processor is further configured with the logic to buffer digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances, wherein the processor is further configured with the logic to determine the available free space after subtracting buffer space capacity from total disk space, wherein the processor is configured with the logic to reduce the available free space by the amount of the space used for the permanent media content instance files, wherein the processor is configured with the logic to increase the available free space by the amount of the space recovered from a deleted permanent media content instance files, wherein the indication of the free space available is configured in time of space available for the permanent media content instance files, ***wherein the processor is further configured with the logic to provide the user interface that provides a numerical indication of an amount of available free space, such that the indication is unaffected by writes to and deletions from the buffer space.***

Applicants respectfully submit that the rejection of claim 23 has been rendered moot. Additionally, Applicants respectfully submit that *Pierre* fails to disclose, teach, or suggest at least the above emphasized claim features for similar reasons as discussed above regarding claim 1. Thus, for at least this reason, Applicants respectfully request that the rejection of claim 23 be withdrawn.

#### **Independent Claim 24**

Claim 24 recites (emphasis added):

24. A method for managing the allocation and storage of media content instance files in a hard disk of a storage device coupled to a media client device in a subscriber television system, comprising the steps of:

buffering media content instances into buffer space as buffered media content instance files;

tracking the size of permanent media content instance files and buffered media content instance files; and

***providing a numerical indication of an amount of available free space, such that the indication is independent of the buffer space.***

Applicants respectfully submit that the rejection of claim 24 has been rendered moot. Additionally, Applicants respectfully submit that *Pierre* fails to disclose, teach, or suggest at least the above emphasized claim features for similar reasons as discussed above regarding claim 1. Thus, for at least this reason, Applicants respectfully request that the rejection of claim 24 be withdrawn.

Because independent claim 24 is allowable over *Pierre*, dependent claims 25 – 45 are allowable as a matter of law.

#### **Independent Claim 46**

Claim 46 recites (emphasis added):

46. A method for managing the allocation and storage of media content instance files in a hard disk of a storage device coupled to a media client device in a subscriber television system, comprising the steps of:

continuously buffering media content instances as buffered media content instance files;

tracking the size of permanent media content instance files and the buffered media content instance files;

***providing a user interface, responsive to a user input, wherein the user interface provides a numerical indication of an amount of available free space for permanently recording media content instances, wherein the permanently recorded media content instances are configured as the permanently recorded***

media content instance files, wherein the permanently recorded media content instance files can be deleted from the storage device, wherein the user input is implemented with a remote control device, wherein the permanently recorded media content is from the buffer space, wherein the permanently recorded media content is a scheduled recording initially written to non-buffer space, wherein the permanently recorded media content is a scheduled recording initially written to non-buffer space, wherein the indication is unaffected by writes to and deletions from the buffer space, wherein the buffer space, the available free space, and permanently recorded space are located on the hard disk, wherein the buffer space and permanently recorded space are allocated from the free space on the hard disk, wherein the buffer space and permanently recorded space have physical locations on the hard disk, wherein the buffer space and the available free space is measured in units of hard disk space;

buffering analog broadcast media content instances, received at a communications interface, as digitally compressed media content instances;

buffering an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance;

buffering digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances;

buffering digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances;

buffering digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances;

buffering digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances;

determining the available free space after subtracting buffer space capacity from total disk space;

reducing the available free space by the amount of the space used for the permanent media content instance files; and

increasing the available free space by the amount of the space recovered from a deleted permanent media content instance files, wherein the indication of the free space

available is configured in time of space available for the permanent media content instance files.

Applicants respectfully submit that the rejection of claim 46 has been rendered moot. Additionally, Applicants respectfully submit that *Pierre* fails to disclose, teach, or suggest at least the above emphasized claim features for similar reasons as discussed above regarding claim 1. Thus, for at least this reason, Applicants respectfully request that the rejection of claim 46 be withdrawn.

### **III. Canceled Claims**

As identified above, claim 4 has been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicants reserve the right to present the canceled claim, or variants thereof, in continuing applications to be filed subsequently.

### **IV. New Claims**

As identified above, claim 47 has been added into the application through this Response. Applicants respectfully submit that this new claim describes an embodiment that is novel and unobvious in view of the cited references and, therefore, respectfully request that this claim be held to be allowable.

**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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